

REMARKS

Summary of the Office Action

Claims 1-4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Jeong* (U.S. Patent No. 6,829,202).

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jeong* (U.S. Patent No. 6,829,202) in view of *Suzuki* (JP 63-259842).

Summary of the Response to the Office Action

Applicant respectfully submits that the features of the present invention are not taught or suggested by the applied references of record. Accordingly, claims 1-6 are presently pending.

The Rejection Under 35 U.S.C. § 102(e)

Claims 1-4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Jeong* (U.S. Patent No. 6,829,202). Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Jeong* anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(e) should be withdrawn. Independent claim 1 recites, in part, "a driving amount in the track direction is controlled by the control currents supplied by way of the first wire and the second wire, a driving amount in the focus direction is controlled by the control currents supplied by way of the third wire and the fourth wire, and a driving amount in the tilt angle direction is controlled by the control currents supplied by way of the power supply lines." Similarly, independent claim 2 recites, in part, "driving amounts in the track direction and in a

focus direction are controlled by control currents supplied to the tracking coils and the focusing coils by way of the wires, and a driving amount in a tilt angle direction is controlled by the control currents supplied to the tilt angle correcting coils by way of the power supply lines," as amended. *Jeong* fails to teach or suggest at least these features of claims 1 and 2.

In *Jeong*, the tracking coils 13, focusing coils 12, and tilting coils 52 are all controlled by the suspension wires 30 as shown in Fig. 2. In the present invention, the tracking coils and focusing coils are controlled by suspension wires W1 and W2, and W3 and W4, respectively, but the tilting coils C1 and C2 are wired in series and controlled by the power lines 50, not the suspension wires. Accordingly, *Jeong* fails to teach or suggest each and every feature of claims 1 and 2. Thus, the rejection of claims 1 and 2 should be withdrawn.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Jeong* does not teach or suggest each feature of independent claims 1 and 2.

Additionally, Applicant respectfully submits that dependent claims 3-6 are also allowable insofar as they recite the patentable combinations of features recited in claim 2, as well as reciting additional features that further distinguish over the applied prior art.

The Rejection Under 35 U.S.C. § 103(a)

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jeong* (U.S. Patent No. 6,829,202) in view of *Suzuki* (JP 63-259842). Applicant respectfully traverses the rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

The Office Action has not established a *prima facie* case of obviousness at least because *Jeong* and *Suzuki*, whether alone or in combination, fail to teach or suggest all the recited features of independent claim 2. Independent claim 2 recites, in part, “driving amounts in the track direction and in a focus direction are controlled by control currents supplied to the tracking coils and the focusing coils by way of the wires, and a driving amount in a tilt angle direction is controlled by the control currents supplied to the tilt angle correcting coils by way of the power supply lines.” *Jeong* or *Suzuki*, whether taken alone or in combination, fails to teach or suggest at least these features of claim 2.

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. As above-demonstrated, *Jeong* fails to teach or suggest each and every feature of claim 2. *Suzuki* does not cure the deficiency in *Jeong*. Because *Jeong* and *Suzuki*, whether taken alone or in combination,

fail to teach or suggest each feature of independent claim 2, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claims 5-6 depend from independent claim 2. Accordingly, claims 5-6 are also allowable because of the additional features they recite and the reasons stated above.

Conclusion

In view of the foregoing, Applicant respectfully requests entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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